

Offender Registration Working Group Meeting Minutes

Date: July 25, 2012

Time: 1:00 to 3:15

Location: Johnson County

Attendance:

Nicole Dekat- KBI
Shelia Sawyer-Tyler- KBI
Jessica Dultmeier-KBI
Jessica Hall- Saline County SO
Michelle McMillin- Salina County SO
Jacob Westfall- Harvey County SO
Judge David Ricke- Judge 13th Judicial District
Sheila Wacker- Johnson County SO
Rick Rinehart- Wyandotte County SO
James Eickhoff- Wyandotte County SO
Tracy Spreier- Sedgwick County SO
Kip Richardson- Butler County SO
Aaron Waldorf- Butler County SO
Emily Adams- Shawnee County SO
Debra Hoffer- Shawnee County SO
Gary Borstelman- Johnson County SO
Al Deathe- Douglas County SO
Cassandra Miller- Johnson County SO
Nancy Burghart- KJCC
Chris Reece- JJA
Kevin Barone- Capitol Lobby Group
Jacob Welsh- Lyon County SO
Amy Jackson- Lyon County SO
Erika Rasmussen- Johnson County DA's Office
Kristina Freeman- Johnson County DA's Office
Linda Holleicke- Johnson County Adult ISP
Lisa Fleming- Johnson County Adult Probation
Brian Dowling- Johnson County SO
Kari Breault- Riley County SO

Minutes of the Meeting:

1. Al Deathe called the meeting to order and introduced himself. The remaining attendees introduced themselves.

2. There was discussion about core membership. It was proposed and passed by vote that those members who are no longer employed by their agency and have been replaced in the same job capacity would now be the core members of the group. Also it was proposed and passed by vote that the regular attendees of the meeting would now be core members of the group. Core members will now be: Nicole Dekat-KBI, Kelly McPherron-KBI, Shelia Sawyer-Tyler-KBI, Jessica Dultmeier-KBI, Deputy Emily Adams-Shawnee County SO, SGT Al Deathe-Douglas County SO, Keomi Johnson-Sedgwick County SO, Judge David Ricke-Butler County District Court, Melissa Purkeypile-13th Judicial District, Kristi Bilyew-Drewel-KDOC, Beth Mechler-KDOC, Staci Donovan-Public Defenders Office, Rick Rinehart-Wyandotte County SO, Major James Eickhoff-Wyandotte County SO, Justice Tyler Lockett-KS Supreme Court, Nancy Burghart-KJCC, Chris Reece-JJA, Jeff Duncan-JJA, Jacob Westfall-Harvey County SO, Sheila Wacker-Johnson County SO, Brian Dowling-Johnson County SO, Jessica Hall-Saline County SO, Michelle McMillin-Saline County SO, Tracy Spreier-Sedgwick County SO, Kip Richardson-Butler County SO, Aaron Waldorf-Butler County SO, Debra Hoffer-Shawnee County SO, Chris Miller-Jackson County SO. It was discussed that one issue we may have is that there is not a representative from western Kansas. It was asked if any agency wishes to have a representative in the working group as a “core” member and there were no additions at this time. The next discussion was in regards to the voting of the new chair for the working group and that this will take place in September. It was decided that you must send your nomination to Nicole Dekat by August 25th. At that time, Nicole Dekat will compile a list of those nominated, and she will send out the compiled list by August 26th. Then in September at the meeting, we will vote on who the new chair will be. It was then discussed the core responsibilities of the chair which are to organize and lead the meetings, provide an agenda for each meeting and ensuring the minutes are taken, publishing and distributing the meeting minutes, and attend legislative sessions and testify on behalf of the bill that the working group puts together. Also discussed and passed by vote was an amendment to the by-laws. The amendment states, if a core member leaves their position in their agency, their new replacement will become the core member by default.
3. The next discussion was about legislation for next year and whether the ORWG group supports, does not support, or wants to propose amendments. The first topic was the removal of drug offenders from the KORA. There was much discussion on this topic and it was decided that we should go back to the original intent of adding drug offenders. Therefore it was decided and voted on to put in our bill to keep KSA 65-4159/21-36a03/21-5703 and 65-7006/21-36a09/21-5709 as registerable crimes however do not require registration for 65-4161/21-36a05/21-5705. It was discussed that we may need a multi-faceted group to push this through. The next topic was safety valves and reducing the registration period for lifetime juveniles. It was discussed that it may be hard to determine an appropriate treatment program and get it approved that the juvenile must complete and to keep this on record for 25 years. It was discussed and passed by vote that we will not push this in our bill however if it is proposed, we will help work out the details. The next topic was in regards to residency restrictions and SB39 from last legislative session. There was much discussion in regards to this and decided that the working group was not in favor. It passed by vote to not support residency restrictions

with only one vote for it. The next topic was whether the courts should have discretion on juvenile offenders such as whether they should be public or restricted and whether they should have discretion on whether to require registration or not. Both of these topics were brought up due to the Leftwich case in Shawnee County. It was discussed that it is possibly a public safety issue to have restricted offenders but it would also cause some offenders to plea to non sex offenses if the courts do not have discretion. It was voted on and passed that we keep our current language in the KORA where courts have discretion. The next topic was in regards to whether schools should be notified of offenders attending their school. It was discussed and passed that we will keep our current system that no grade, middle, or high schools are notified since the schools can get notifications for public offenders through the new KsORT database and they should not get notifications on the restricted juvenile offenders since they are restricted for a reason. The next topic was discussed if we should get rid of the retroactivity of the KORA. It was discussed that it has been upheld by a state Supreme Court case stating it is not ex post facto and that we will keep it. The next item discussed was whether the employer's address should be put back on the public website. It was voted for and passed except for one vote that we should put this in our ORWG bill to include the employer's address back on the public website.

4. The floor was now open for question/comments. Judge David Ricke asked about the new duty to register form that the courts are to use. It was stated that Nicole Dekat would attach it to the meeting minutes however ONLY the courts are to use this form.
5. The new KsORT database will be completed soon and it should be available to start deploying to agencies around September. The KBI plans to deploy the database to all agencies from September to December by regions. Prior to being given access to the database, user must obtain a token and complete a KsORT training class. The KsORT database will electronically submit registration forms to the KBI so the registering agencies will no longer have to submit hard copies of the form, registration information in KsORT will be automatically transmitted to NSOR and the KBI will process NCIC validations, agencies will have the ability to view restricted records or offenders in other counties, journal entries will be available in the offenders files to access, photos can be uploaded electronically to KsORT, community notification will be available, reports such as compliant/non-compliant lists and dual offender counts will be available on an as need basis to all agencies, the KsORT database will be free to all agencies, and all data in our current system will be migrated into KsORT.
6. Our next meeting is scheduled for September 26th at 1:00 in Butler County. This meeting's agenda will be about legislative issues for 2012 and we will be voting and electing the new working group chair. The following meeting will be January 9th in Jackson County. The date, time, and exact location will be announced.
7. Meeting was adjourned at 3:15 p.m.